

Serial Number: 10/687,116  
Response to Office action of January 11, 2007

Attorney Docket No.: FS-F03210-01

**Amendment to the claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application.

**Listing of claims:**

1-14 (cancelled)

15. (currently amended) The image forming method according to claim 18, wherein the photothermographic sheet material is imagewise exposed using a laser.

16. (original) The image forming method according to claim 15, wherein the laser is a laser diode.

17. (original) The image forming method according to claim 16, wherein the laser diode has a light-emission peak intensity in the wavelength of 350 nm to 450 nm.

18. (currently amended) An image forming method with a photothermographic sheet material, comprising imagewise exposing and thermally developing the photothermographic sheet material;

wherein the photothermographic sheet material ~~comprising~~ comprises at least a photosensitive silver halide having an average silver iodide content of 40% by mole or more, a non-photosensitive organic silver salt, a reducing agent and a binder, and a compound expressed by the following formula (H):

Formula (H):  $Q - (Y)_N - C(Z_1)(Z_2)X$

wherein Q represents an alkyl group, an aryl group or a hetero ring group; Y represents a divalent linkage group; N represents 0 or 1; Z<sub>1</sub> and Z<sub>2</sub> each independently represent a halogen atom; and X represents a hydrogen atom or an electron-withdrawing

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group;

and the thermally developing being started within 60 sec after imagewise exposure of the photothermographic sheet material using an image recording apparatus having an exposure portion and a developing portion and wherein the imagewise exposing and thermal developing comprises imagewise exposing a part of the photothermographic sheet material and simultaneously developing a part of the photothermographic sheet material that has already been imagewise exposed.

19. (previously presented) The image forming method according to claim 18, wherein the average silver iodide content of the photosensitive silver halide is 90% by mole or more.

20. (previously presented) The image forming method according to claim 18, wherein the photosensitive silver halide is formed in the absence of the non-photosensitive organic silver salt.

21. (previously presented) The image forming method according to claim 18, wherein the thermal development is started within 30 sec after the imagewise exposure.

22. (previously presented) The image forming method according to claim 18, wherein the thermal development is started within 15 sec after the imagewise exposure.

23. (previously presented) The image forming method according to claim 18, wherein an average grain size of the photosensitive silver halide is 5 nm to 80 nm.

24. (previously presented) The image forming method according to claim 18, wherein an average grain size of the photosensitive silver halide is 5 nm to 30 nm.

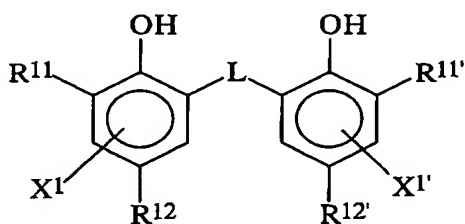
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25. (previously presented) The image forming method according to claim 18, wherein the photosensitive silver halide is chemically sensitized.

26. (previously presented) The image forming method according to claim 18, comprising a compound that can be one-electron-oxidized to provide a one-electron oxidation product which releases one or more electrons.

27. (previously presented) The image forming method according to claim 18, comprising a compound expressed by the following general formula (R):



wherein  $R^{11}$  and  $R^{11'}$  each independently represents an alkyl group having 1 to 20 carbon atoms,  $R^{12}$  and  $R^{12'}$  each independently represents a hydrogen atom or a group capable of substituting for a hydrogen atom on a benzene ring, L represents a -S- group or a -CHR<sup>13</sup>- group, R<sup>13</sup> represents a hydrogen atom or an alkyl group having 1 to 20 carbon atoms, and X<sup>1</sup> and X<sup>1'</sup> each independently represents a hydrogen atom or a group capable of substituting for a hydrogen atom on a benzene ring.

28. (previously presented) The image forming method according to claim 18, comprising a developing accelerator.

29. (previously presented) The image forming method according to claim 18, comprising a hydrogen bonding compound.

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## Remarks

### 1. Amendments

By the present Amendment, claims 15, 18 have been amended. Upon entry of the present Amendment, claims 15 to 29 will be pending in the application.

The amendment of claim 18 is supported on page 142, lines 6-24 in the specification of the present invention.

### 2. Comments

#### Paragraph 4: rejection of claims 15-29 under 35 U.S.C.112, second paragraph

It is respectfully submitted that the amendments to the claims overcome this rejection.

#### Paragraph 6-8: rejection of claims under 35 U.S.C.103(a)

Claims 15-16, 18, 21-29 were rejected under 35 U.S.C.103(a) as being unpatentable over the combination of EP 10963210A2 (EP'310), Okada et al (US 5,952,167), Uytterhoeven et al (US 6,140,488), and Siga et al (US 4,332,889) further in view of either Oyamada et al (US 2004/0038156A1) or Yamane et al (US 2004/0058281A1).

Claim 26 was rejected under 35 U.S.C.103(a) as being unpatentable over the combination of EP 10963210A2 (EP'310), Okada et al (US 5,952,167), Uytterhoeven et al (US 6,140,488), and Siga et al (US 4,332,889) further in view of either Oyamada et al (US 2004/0038156A1) or Yamane et al (US 2004/0058281A1) as applied to claims 15-16, 18, 21-29 above, and further in view of Farid et al (US 5,747,236) or Asanuma et al (US 6,686,140).

Claim 17 was rejected under 35 U.S.C.103(a) as being unpatentable over the combination of EP 10963210A2 (EP'310), Okada et al (US 5,952,167), Uytterhoeven et al (US 6,140,488), and Siga et al (US 4,332,889) further in view of either Oyamada et al

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(US 2004/0038156A1) or Yamane et al (US 2004/0058281A1) as applied to claims 15-16, 18, 21-29 above, and further in view of Hirabayashi (US 2002/0123016A1).

The current application, serial No. 10/687,116 has Japanese priority date prior to the U.S. application dates of 10/448,280 (US 2004/0038156A1) and 10/644,789 (US 2004/0058281A1). The current application also has a U.S. filing date prior to the publication dates of 10/448,280 (US 2004/0038156A1) and 10/644,789 (US 2004/0058281A1).

#### STATEMENT OF COMMON OWNERSHIP

Applications 10/687,116, 10/448,280 and 10/644,789 were, at the time the invention of application 10/687,116 was made, all owned by Fuji Photo Film Ltd. Therefore, 10/448,280 and 10/644,789 are unavailable as prior art against the current application.

Further, a certified translation of priority document JP Application No. 2002-305556 already has been presented in the response of October 13, 2006.

Therefore, it is respectfully requested that these rejections be withdrawn.

#### **Paragraph 10, 11 : rejection of claims under nonstatutory obviousness-type double patenting**

Claims 15-29 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-7 of US 7,105,282 in view of EP 106310A2 (EP'310), Okada et al (US5,952,167), Uytterhoeven et al (US 6,140,488), and Siga et al (US 4,332,889).

Claims 18-29 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 3, 5, 7-10 of copending application 10/768,038 or over claims 1,3-8 of copending application 10/448,280 in view of 1,3-8US 7,105,282 in view of EP 106310A2 (EP'310), Okada et al

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(US\$952,167).

A terminal disclaimer accompanies this application. Therefore, it is respectfully requested that these rejections be withdrawn.

In view of the foregoing amendments and remarks, it is respectfully submitted that all of the pending claims are in condition for allowance. Favorable action is respectfully requested.

Respectfully submitted,



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